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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: VOLKSWAGEN 'CLEAN DIESEL'
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

This Document Relates to:

*Fajardo et al. v. Dr. Ing. h.c. F. Porsche AG
et al.*, No. 3:20-cv-7473; *Del Barrio Jr. et al.
v. Dr. Ing. h.c. f. Porsche AG, et al.*, No.
3:20-7341 (N.D. Cal.); *Schubert v. Porsche
Cars North America, Inc.*, No. 20-cv-07589
(N.D. Cal.)

MDL No. 2672 CRB (JSC)

The Honorable Charles R. Breyer

**STIPULATION AND ~~PROPOSED~~
ORDER**

1 WHEREAS, on October 23, 2020, Plaintiffs Mallen Fajardo, Christopher Allen, Frank
 2 Cohen, Andrew Kavan, Mark Kovaletz, Cecil Robinson, Sander Shady, William Venturino, and
 3 John Vorisek (“Plaintiffs”), on behalf of themselves and a putative class of all other similarly
 4 situated, filed a class action complaint against Dr. Ing. h.c. F. Porsche AG (“Porsche AG”), Porsche
 5 Cars North America, Inc. (“Porsche NA”) (together, “Porsche”), and Volkswagen AG
 6 (collectively, “Defendants”) for allegedly misrepresenting the true emissions levels and fuel
 7 economy of certain Porsche vehicles;

8 WHEREAS, Plaintiffs served all Defendants on October 26, 2020;

9 WHEREAS, on October 27, 2020, the case was related to *In Re: Volkswagen ‘Clean Diesel’*
 10 *Marketing, Sales Practices, and Products Liability Litigation*, No. 15-md-2673-CRB, and assigned
 11 to this Court (Dkt. 7737);

12 WHEREAS, another case involving similar allegations, *Del Barrio Jr. et al. v. Dr. Ing. h.c.*
 13 *f. Porsche AG, et al.*, No. 3:20-7341 (N.D. Cal.), was related to the MDL and assigned to this Court
 14 on October 28, 2020 (Dkt. 7741);

15 WHEREAS, another case involving similar allegations, *Schubert v. Porsche Cars North*
 16 *America*, No. 20-cv-07589 (N.D. Cal.), was related to the MDL and assigned to this Court on
 17 October 29, 2020;

18 WHEREAS, the parties are aware of another case filed in this District: *Chadha et al. v.*
 19 *Porsche Cars North America, Inc.*, No. 20-cv-06923 (N.D. Cal) (collectively with the *Fajardo*,
 20 *Del Barrio* and *Schubert* cases, the “Porsche Gasoline Litigation”);

21 WHEREAS, the *Chadha* plaintiffs have not served any defendant in that action or moved to
 22 relate to their case to the MDL, but Defendants expect to move to relate the *Chadha* case as soon as
 23 they are served if the case is not related to the MDL before then;

24 WHEREAS, the parties agree and stipulate that Plaintiffs—by and through Lead Counsel
 25 pursuant to Pretrial Order No. 7—shall have until January 15, 2021, to file a consolidated
 26 complaint in the Porsche Gasoline Litigation.

27 IT IS THEREFORE STIPULATED AND AGREED, by the parties, through their
 28 respective counsel of record, subject to the Court’s approval, that:

(1) Plaintiffs—by and through Lead Counsel pursuant to Pretrial Order No. 7—shall have until January 15, 2021, to file a consolidated complaint in the Porsche Gasoline Litigation; and

(2) All filings in this MDL relating to the Porsche Gasoline Litigation, including filings in other cases raising similar allegations that are subsequently related to this MDL, shall be clearly marked in the caption as relating to “Porsche Gasoline Litigation.”

Dated: November 6, 2020

Respectfully submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Elizabeth J. Cabraser

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Plaintiffs’ Lead Counsel

1 Dated: November 6, 2020

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11 *Attorneys for Defendants Volkswagen AG*
12 *Dr. Ing. h.c. F. Porsche AG, and Porsche Cars North*
13 *America, Inc.*

14 PURSUANT TO STIPULATION, **IT IS SO ORDERED.**

15 Dated: November 10, 2020

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17 CHARLES R. BREYER
18 United States District Judge
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